

Order to Adopt
Title 13, Division 1, Chapter 1
Article 2.0 – Driver Licenses and Identification Cards

§ 15.00. Information Required to Establish Legal Presence in the United States (U.S.) for Purpose of Determining Eligibility for an Original Driver License or Identification Card.

The department may not issue a driver's license or identification card to any person unless the person presents to the department proof of California residency, as specified in Section 15.01 of this Article, and proof of his or her legal presence in the United States.

(a) U.S. citizens who apply for an original driver license or identification card shall submit one of the following documents that is legible and unaltered to establish proof of the person's legal presence in the United States:

- (1) A certified copy of a United States birth certificate issued in or by a city, county, or state vital statistics department.
- (2) A U.S. Certificate of Birth Abroad (FS-545, DS-1350) or a Report of Birth Abroad of U.S. Citizen (FS-240).
- (3) A Proof of Indian Blood Degree issued by the federal government.
- (4) A Certified Birth Certificate issued from:
 - (A) Puerto Rico, on or after ~~January 13, 1941~~ July 1, 2010.
 - (B) Guam, on or after April 10, 1899.
 - (C) U.S. Virgin Islands, on or after January 17, 1917.
 - (D) Northern Mariana Islands, after November 4, 1986.
 - (E) American Samoa.
 - (F) Swain's Island.
 - (G) District of Columbia.
- (5) A valid U.S. passport or passport card ~~(Expired or unexpired)~~.
- (6) One of the following unexpired U.S. Military Identification Cards and documents:
 - (A) DD-2 or Common Access Card for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.
 - (B) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.
 - (C) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.
 - (D) DD-1934 for Medical/Religious personnel.

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(E) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.

(7) Certificate of Naturalization (N-550, N-570, N-578).

(8) Certificate of Citizenship (N-560, N-561, N-645).

(9) Northern Mariana Card issued by DHS (I-551).

(10) American Indian Card issued by DHS (I-551).

(11) U.S. Citizen Identification Card (I-179, I-197).

(b) Immigrants shall submit one of the following Department of Homeland Security (DHS) documents or other document with a DHS notation to prove their legal presence in the United States. Immigrants are persons who have lawful permanent residency status as defined in the Code of Federal Regulations, Title 8; part 1; section 1.1(p). Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.

(1) Resident Alien Card (I-551, AR-3, AR-3A, AR-103).

(2) Temporary Resident Identification Card (I-688).

(3) Alien Registration Receipt Card (I-151) valid until declared invalid by DHS.

(4) Permanent Resident Re-entry Permit (I-327).

(5) U.S. Border Crossing Identification Card and Visa (Known as the "Mica") with a valid I-94.

(6) A foreign passport stamped "Processed for I-551".

(7) Record of Arrival and Departure (I-94) stamped Temporary Evidence of Lawful Admission for Permanent Resident.

(c) Immigrants may also submit one of the following unexpired U.S. Military Identification Cards and documents:

(1) DD-2 or Common Access Card for active duty, reserve or retired Air Force, Army, Marine Corps, or Navy.

(2) DD-1173 for dependents of active duty military personnel, Air Force, Army, Marine Corps, or Navy.

(3) AF-447, A-447, MC-447, N-447 for dependents of reserve duty military personnel, Air Force, Army, Marine Corps, or Navy.

(4) DD-1934 for Medical/Religious personnel.

(5) DD-214 Report of Separation for Air Force, Army, Marine Corps, or Navy personnel.

(d) Non-immigrants shall submit one of the following Department of Homeland Security (DHS), Canadian documents or other document with a DHS notation to prove their legal presence in the United States. Non-immigrants are persons who have lawful temporary status for a specific purpose. Documents must be legible and unaltered to establish proof of the person's legal presence in the United States.

- (1) A valid Canadian passport ~~(expired or unexpired)~~.
- (2) A certified copy of a Canadian birth certificate.
- (3) Non-Resident Alien Canadian Border Crossing Card (I-185, I-586).
- (4) Mexican Border Crossing Card (I-186 with a valid I-94 or I-586 with a valid I-94).
- (5) Record of Arrival and Departure (I-94 or I-94W) with a valid foreign passport.
- (6) Record of Arrival and Departure (I-94) with one of the following types of unexpired foreign passports to Hong Kong residents:
 - (A) Certificate of Identity.
 - (B) Document of Identity.
 - (C) British National Overseas (BNO).
 - (D) Hong Kong Special Administrative Region (HKSAR).

(e) Other documents which may prove legal presence in the United States are:

- (1) A certified order or judgment from a court of competent jurisdiction stating the true full name, date of birth and that the applicant was born in the U.S. or U.S. Territories or that the applicant's presence in this country is authorized by Federal law.
- (2) Certification provided by the California Department of Corrections and Rehabilitation (CDCR) which verifies the legal presence of the applicant.
- (3) Employment Authorization Card (I-688A, I-688B, I-766).
- (4) Record of Arrival and Departure stamped "Refugee, or Asylee, Parolee or Parole" (I-94) coded: Section 207 (Refugee), 208 (Asylum), 209 (Refugees), 212d(5) (Parolee), HP (Humanitarian Parolee) or PIP (Public Interest Parolee).
- (5) An immigration Judge's Order Granting ~~Asylum~~ Asylum.
- (6) Refugee Travel Document (I-571).
- (7) Notice of Action (I-797) Approved Petition~~er~~.

Note: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12800 and 12801.5, Vehicle Code.

§ 15.01. Acceptable Proof of California Residency.

The department may not issue a driver's license or identification card to any person unless the person presents to the department proof of his or her legal presence, as specified in Section 15.00 of this Article, and proof of California residency.

(a) An applicant for a driver's license or identification card under Section 15.00 shall submit two different types of documents from subsection (c) that contain the applicant's residence address. With the exception of subsections (c)(19) and (c)(20), the document must list the applicant's first and last name and the California residence address must match the residence address as listed on the driver's license or identification card application.

(b) Notwithstanding subsection (a), a parent, legal guardian, or child may use a birth certificate and a spouse or domestic partner may use a marriage license or domestic partner registration certificate to trace his or her relationship to the individual to whom a residency document listed in subsection (c) has been addressed.

(c) An acceptable residency document is:

- (1) Rental or lease agreement with the signature of the owner/landlord and the tenant/resident.
- (2) Deed or title to residential real property.
- (3) Mortgage bill.
- (4) Home utility bill including cellular phone bill.
- (5) School document, as defined in Section 16.06(a)(1).
- (6) Medical document.
- (7) Employment document.
- (8) Faith based document that includes the name and address of the issuing organization.
- (9) Insurance document, including medical, dental, vision, life, home, rental, and vehicle.
- (10) Internal Revenue Service or California Franchise Tax Board tax returns.
- (11) California Certificate of Vehicle or Vessel Titles or registration.
- (12) Change of Address Confirmation by the United States Postal Service (Form CNL 107).
- (13) Document issued by a government, as defined in Section 16.02(b).
- (14) A property tax bill or statement.
- (15) Record of a financial institution, as defined in Section 16.10(c)(16).

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(16) Voter registration confirmation letter or postcard issued by the California Secretary of State or a local California county elections officer.

(17) Proof of payment of resident tuition at a public institution of higher education located in California.

(18) An original copy of an approved homeowner's tax exemption (Form BOE-266) filed with a local California County Assessor.

(19) Court documents that list the applicant as a resident of California.

(20) A letter, on letterhead from a homeless shelter, a shelter for abused women, a nonprofit entity, a faith based organization, an employer, or a government within the United States attesting that the applicant resides in California.

(d) The department may determine additional documents that will assist in verifying an applicant's true California residence address on a case by case basis.

NOTE: Authority cited: Sections 1651 and 12801.5, Vehicle Code. Reference: Sections 12505, 12509, 12509.5, 12513, 12801.5, 12801.6, 12801.9, 13000 and 13001, Vehicle Code.